IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Application of

Satoshi NORIMATSU                           Art Unit:  3713

S. N.  09/650,258                           Examiner:  Scott E. Jones

Filed:  August 29, 2000                     Confirmation No.: 9486

For:  GAME APPARATUS, GAME IMAGE PREPARATION METHOD AND
INFORMATION STORAGE MEDIUM

<u>BRIEF ON BEHALF OF APPELLANT</u>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA  22313-1450


Sir:


    This is an appeal from the Examiner's final rejection mailed
July 27, 2005.

### *Real party in interest*

    The real party in interest is NAMCO, LTD., 8-5, TAMAGAWA 2-
CHOME, OHTA-KU, TOKYO 146-8656, JAPAN, the assignee of the
application.

### *Related appeals and interferences*

    No related appeals or interferences are known to appellant,
the appellant's legal representative, or assignee, which will
directly affect or be directly affected by or have a bearing on
the Board's decision in the pending appeal.

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## *Status of claims*

Claims 1-4, 6-9 and 14-16 are pending in the application, and are rejected, and are the claims under appeal.  Appellant wishes to prosecute this appeal with respect to claims 1-4, 6-9 and 14-16.  No response after final was filed.

This application was originally filed August 29, 2000, claiming priority from a Japanese application filed September 9, 1999.  A final office action was issued July 27, 2005.  Thus, this appeal was filed.

The status of the claims is as follows:

1.  Rejected (under 35 U.S.C. §103(a)).

2.  Rejected (under 35 U.S.C. §103(a)).

3.  Rejected (under 35 U.S.C. §103(a)).

4.  Rejected (under 35 U.S.C. §103(a)).

6.  Rejected (under 35 U.S.C. §103(a)).

7.  Rejected (under 35 U.S.C. §103(a)).

8.  Rejected (under 35 U.S.C. §103(a)).

9.  Rejected (under 35 U.S.C. §103(a)).

14.  Rejected (under 35 U.S.C. §103(a)).

15.  Rejected (under 35 U.S.C. §103(a)).

16.  Rejected (under 35 U.S.C. §103(a)).

## *Status of amendments*

No amendment subsequent to final rejection was made.

*Summary of claimed subject matter*

This invention relates to computer games, and in particular to computer game related technology that provides a game space with reduced effort required to create data for the backgrounds employed in the game. The game typically involves moving a game character through a course, and a plurality of viewpoints are set as the character is moved along the course, in a three-dimensional game space. Two-dimensional images that represent the background view of a plurality of viewpoints are prepared and may be shown, where changing the viewpoint can result in the background being changed. With this, then, for example, a character could move through the same course in the game space, but the viewpoint can be changed, giving different backgrounds, which makes the appearance of the game different, so that the number of game spaces can be reduced while still providing greater game variety. This can be helpful to reduce the resources, computing power, etc., and therefore cost, required to provide a game with a given level of variety and features.

With respect to specific independent claims, the reference to the specification and drawings is as follows:

**Independent claim 1**:

Claim 1 recites a game apparatus 100 (FIG. 1, FIG. 2. page 6, lines 21-28). The apparatus comprises a movement processing unit 120 (FIG. 1, page 8, lines 8-12) for moving a character

corresponding to a player along a predetermined course set in a three-dimensional game space. The apparatus also comprises a viewpoint setting unit 130 (FIG. 1, page 9, lines 26-33) for setting a plurality of viewpoints in the field of view in which said character is included, corresponding to the course. Further, the apparatus comprises an image preparing unit 124 (FIG. 1, page 8, lines 28-33) for selectively preparing two-dimensional images corresponding to said plurality of viewpoints set by said viewpoint setting unit, at the time of moving the character along the course. Three-dimensional objects corresponding to at least one of enemy characters except for the character corresponding to a player, traps and items are arranged in manner of different contents and different order in said field of view corresponding to each of a plurality of viewpoints. (FIGs. 5-13, page 9 lines 28-33, page 12 line 32-page 13, line 1, page 13, line 5 - page 17, line 3.

**Independent claim 8**:

Claim 8 recites a game image preparation method. The method comprises a first step of moving a character corresponding to a player along a predetermined course set in a three-dimensional game space (FIG. 5, page 13, lines 15-27. The claim also recites a second step of setting a plurality of viewpoints in the field of view in which said character is included when said character moves in said first step and a third step of preparing two-

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dimensional images corresponding to said plurality of viewpoints set in said second step when said character moves in said first step (FIGs. 6, 7, 8, 9, 10, page 13, line 28-page 15, line 5). .

**Independent claim 9:**

Claim 9 recites an information storage medium (FIG. 1, item 188, page 7, line 33, page 17, line 18-24), comprising:

a program (page 7, line 31-page 8 line 2) for moving a character corresponding to a player in a predetermined course set in a three-dimensional game space and setting a plurality of viewpoints in the field of view in which said character is included; and

a program for preparing two-dimensional images corresponding to said plurality of viewpoints, (Figs 8 – 10, page 16, lines 8-17).

### *Grounds of rejection to be reviewed on appeal*

The broad issue presented in this appeal is whether the Examiner's final rejections of claims 1-4, 6-9 and 14-16 are correct. The issues of grounds of rejection may be stated more narrowly as:

**Grounds 1.** Whether claims 1-4, 6-9 and 14-16 are unpatentable under 35 U.S.C. §103(a) over Morawiec (U.S. patent 6,010,405) in view of Miyata et al. (U.S. patent 6,392,644).

### ARGUMENT

### Arguments relative to the rejections

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1.  Claims 1-4, 6-9 and 14-16 are patentable over Morawiec in view of Miyata et al.

**Subheading: Claims 1, 2, 15, 16.**

The essential difference of opinion between applicant and the Examiner is, in applicant's view, that applicant believes that the main reference, Morawiec, does not show a three-dimensional game space, but instead has multiple 2 dimension game spaces, which is quite different than a 3-dimensional space as contemplated by the applicant's claim.

What Morawiec does show is a character moving around in multiple 2-dimensional spaces, completing actions in a first 2-dimensional space, then moving on to another, different 2-dimensional space.  Morawiec teaches 2-dimensional space movements.  Morawiec does not teach or suggest 3-dimensional space movements.  Please refer to column 10, lines 62-64, of Morawiec, which discuss that the buttons for movement in the Morawiec system provide left and right movements, and jump up or crouch down.  Applicant respectfully submits that this further points that the player is not operating in a 3-dimensional space, but instead a 2-dimensional space.

Applicant's attorney and the Examiner had a telephone interview, and the Examiner noted in the interview that it is the Examiner's position that the 2-D panel when active becomes a 3-D space.  Applicant respectfully believes that this is not the

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case.  Applicant submits that the Morawiec document really only contemplates 2D panels, but does some processing to give the active panel a "greater three dimensional feel than those displayed in the dormant panels".  (column 5, line 52 of Morawiec)  However a "greater three dimensional feel" (which is accomplished by assigning display priorities so that items that would be in background are overwritten by foreground items) is not the same as the three-dimensional game space in applicant's invention, and that it should not be considered so by the Examiner.  The player of Morawiec is "permitted free movement" within the active panel.  But, column 10, lines 63-64, of Morawiec disclose what "free movement" means to Morawiec, where it is noted that the controls provided left or right or jump up or crouch down movements.  This implies that only a 2 dimensional movement is allowed, in the X-axis (left or right) or the y-axis (jump up or crouch down).  This demonstrates that Morawiec has 2 dimensional spaces, not a three dimensional space.

In contrast, the applicant's invention involves a character that moves around in a three-dimensional space, and the multiple 2-dimensional views are presented to the player in that space as the player moves along.

Claim 1 states that three-dimensional objects corresponding to at least one of enemy characters except for the character corresponding to a player, traps and items are arranged in manner

of different contents and different order in said field of view corresponding to each of a plurality of viewpoints.  This additional feature of the invention provides advantages in that by this, it is easier to realize a plurality of stories in a game having different difficulties.

Two-dimensional images prepared at the time of moving the character along the course

Another point of difference between applicant's claim 1 and the Morawiec system relates to the language of claim 1 that the image preparing unit selectively prepares two-dimensional images corresponding to said plurality of viewpoints set by the viewpoint setting unit, at the time of moving the character along the course.  Morawiec does not teach or suggest such operations.  Morawiec has a comic book like structure, where plural two dimensional backgrounds are already pre-set.  It does not prepare the two-dimensional images at the time of moving the character along the course.

Applicant also believes that Morawiec cannot be said to set a plurality of viewpoints in the field of view in which said character is included.  Considering the "active panel" operation mode of Morawiec, where a character can move and operate only in an active panel, which for purposes of this argument may be correspondent to the field of view of the claim, Morawiec is not

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setting a plurality of viewpoints.  The only viewpoint is of the active panel.

Claim 1 further adds three-dimensional objects (enemy characters, traps and items) and these are arranged in different contents and different order in the field of view corresponding to each of a plurality of viewpoints.  By this, changing the viewpoint and the arrangement of these objects results in a different appearance and different game action in the field of view for each of the plurality of viewpoints.  Since Morawiec does not appreciate the concept of plurality of viewpoints as claimed by applicant, Morawiec also does not appreciate such change of viewpoint and arrangement.

Miyata et al, added to show a graphic display system that uses two and three dimension objects in the displaying.  However, Miyata et al is concerned with the details of accomplishing a display system.  It does not teach or suggest what is lacking in Morawiec so as to render applicant's claims obvious.

### Subheading claims 3, 4.

Claims 3 and 4 are submitted to be allowable for reasons noted above with respect to claim 1.  However, even if claim 1 was not allowable, claims 3 and 4 would be separately allowable. Claim 3 adds that the invention includes a viewpoint switching unit for switching the viewpoints set by the viewpoint setting unit, further adding that a scene change is performed by

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discretely switching the content of the two-dimensional image. Morawiec does not have such a concept. There is no switching of content of two-dimensional images to perform a scene change in Morawiec. The two-dimensional images of the scenes are fixed in the panels. They are not switched to perform scene changes.

Miyata et al adds nothing that would make up for this absence in Morawiec.

### Subheading claims 6, 7.

Claims 6 and 7, also allowable for reasons given above with respect to claim 1, are separately allowable from claim 1 in that claim 6 (and 7) adds a game directing unit that generates different events in accordance with the plurality of viewpoints while the movement unit is moving the character. Morawiec does not have the claimed plurality of viewpoints and therefore cannot appreciate the concept of generating different events in accord with a plurality of viewpoints. Similarly, Miyata et al adds nothing to make up this absence.

### Subheading claim 8

Claim 8 is submitted to be allowable separate from the other claims. It is respectfully submitted that Morawiec does not teach moving a character on a predetermined course in a three-dimensional game space. As applicant has argued before, Morawiec shows plural two-dimensional game panels, but does not teach or suggest a three-dimensional game space. Further it is submitted

that Morawiec does not set plural viewpoints in the field of view in which the character is included. The "field of view" of Morawiec would be the active panel. There is only one "viewpoint" in the active panel of Morawiec. There is not a plurality of viewpoints. Still further, Morawiec does not prepare two-dimensional images corresponding to a plurality of viewpoints set in a second step when a character moves in a first step. For example, if the character in Morawiec moves left or right, the viewpoint does not change, there are not two-dimensional images corresponding to a plurality of viewpoints set. These things are simply absent from Morawiec, as Morawiec is operating under a different mode and system, of trying to simulate a comic book panel appearance to a game, which teaches away from applicant's claim. Morawiec is not trying to have a three-dimensional game space where plural viewpoints with plural two-dimensional images to provide different backgrounds and the like.

Miyata et al, as discussed before, is presenting a system of displaying two and three dimensional objects together, dealing with how one would implement such a system. There would be no reason to combine it into Morawiec, as Morawiec is not contemplating two and three dimensional objects together. Morawiec takes some action to give a three dimensional "feel",

but does not provide a three-dimensional game space, as only two dimensional movement (left/right or jump/crouch) are allowed.

### Subheading claim 9.

Claim 9 recites things not taught or suggested by the combination used in the rejection.  For example, claim 1 calls for a program moving a character in a predetermined course in a three-dimensional game space.  As noted before, it is submitted by applicant that Morawiec does not contemplate a three-dimensional game space.

Further, the claim recites setting a plurality of viewpoints in the field of view in which the character is included.  Even if Morawiec is considered to have a three-dimensional game space (which applicant submits it does not), Morawiec does not teach or suggest setting a plurality of viewpoints in the field of view in which the character is included.  There is one viewpoint in the field of view in Morawiec (the active panel).

Finally, claim 9 recites a program preparing two-dimensional images corresponding to the plurality of viewpoints.  Such a concept is not present in Morawiec.  Morawiec has one viewpoint, and as such does not prepare two-dimensional images corresponding to a plurality of viewpoints.

Miyata et al do not add anything that would provide what is missing from Morawiec.  Miyata et al teach how one might implement a display system to display two and three dimensional

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objects together, but does not teach setting a plurality of viewpoints in the field of view in which a character is included, and preparing two-dimensional images corresponding to the plurality of viewpoints. The combination does not produce what applicant claims.

**Argument applicable to all claims:**

Relative to the rejection in general, applicant respectfully submits that there is no motivation to combine the Morawiec and Miyata et al documents. Morawiec is concerned with two dimensional representations and does not have the need to employ a display system of Miyata et al. Morawiec assigns display priority to graphic elements and those of higher priority will overwrite those of lower priority, to provide a three dimensional feel. It does not contemplate or need the incorporation of the Miyata et al system.

CONCLUSION

Since Morawiec does not teach a three-dimensional game space, does not teach setting plural viewpoints in the field of view a character is in, and does not prepare two-dimensional images corresponding to the plurality of viewpoints, and since Miyata et al does not provide the teaching and further there is no motivation to combine the documents, they cannot make the claims obvious.

In view of the foregoing, it is submitted that claims 1-4, 6-9 and 14-16 of this application are patentable and it is accordingly requested that the Examiner's final rejection be reversed and that allowance of this application be directed.
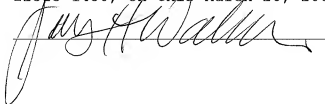
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For:  GAME APPARATUS, GAME IMAGE PREPARATION METHOD AND
INFORMATION STORAGE MEDIUM

## APPENDIX OF CLAIMS

1.  (previously presented)  A game apparatus comprising:

movement processing unit for moving a character corresponding to a player along a predetermined course set in a three-dimensional game space;

viewpoint setting unit for setting a plurality of viewpoints in the field of view in which said character is included, corresponding to the course; and

image preparing unit for selectively preparing two-dimensional images corresponding to said plurality of viewpoints set by said viewpoint setting unit, at the time of moving the character along the course,

wherein three-dimensional objects corresponding to at least one of enemy characters except for the character corresponding to a player, traps and items are arranged in manner of different contents and different order in said field of view corresponding to each of a plurality of viewpoints.

2.  (original)  The game apparatus according to claim 1, further comprising image data storing unit for storing image data necessary for said image preparing unit for preparing two-dimensional images corresponding to said plurality of viewpoints,

wherein said image preparing unit selectively prepares said two-dimensional image corresponding to one of said plurality of viewpoints.

3.  (original)  The game apparatus according to claim 1, further comprising viewpoint switching unit for switching said viewpoints set by said viewpoint setting unit,

wherein a scene change is performed by discretely switching the content of said two-dimensional image prepared by said image preparing unit.

4.  (original)  The game apparatus according to claim 3, further comprising branch deciding unit for deciding a story branch generated when the movement processing unit moves said character,

wherein said viewpoint switching unit switches said viewpoint when said branch deciding unit detects said story branch.

5.  (canceled)

6. (original) The game apparatus according to claim 1, further comprising game directing unit for generating different events in accordance with said plurality of viewpoints while said movement processing unit is moving said character.

7. (original) The game apparatus according to claim 6, wherein said game directing unit changes the level of difficulty of said events corresponding to said plurality of viewpoints.

8. (original) A game image preparation method, comprising:

a first step of moving a character corresponding to a player along a predetermined course set in a three-dimensional game space;

a second step of setting a plurality of viewpoints in the field of view in which said character is included when said character moves in said first step; and

a third step of preparing two-dimensional images corresponding to said plurality of viewpoints set in said second step when said character moves in said first step.

9. (original) An information storage medium, comprising:

a program for moving a character corresponding to a player in a predetermined course set in a three-dimensional game space and setting a plurality of viewpoints in the field of view in which said character is included; and

a program for preparing two-dimensional images corresponding to said plurality of viewpoints.

10-13. (canceled)

14. (previously presented) The game apparatus according to claim 1, wherein said image preparing unit generates the plurality of the two-dimensional images including different contents with corresponding the common three-dimensional game space to each of the plurality of the viewpoints.

15. (previously presented) The game apparatus according to claim 1, wherein the three-dimensional objects corresponding to said character corresponding to a player, said enemy characters, said traps and said items are configured by polygons.

16. (previously presented) The game apparatus according to claim 1, wherein said image preparing unit performs perspective projection conversion based on the viewpoint set by said viewpoint setting unit to said three-dimensional objects and generates said two-dimensional images.